

NEW MEXICO PUBLIC REGULATION COMMISSION

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Division of Insurance
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Santa Fe, NM 87504-1269
(505) 827-1291

Superintendent of Insurance
John G. Franchini

CHIEF OF STAFF

Michael A. Rivera

December 3, 2010

J230

DEC 7

GEICO Indemnity Company
James G. Brown
4201 Spring Valley Road
Dallas, TX 75224

RE: Daniel F. Herrera Vs Katherine Crossland & GEICO Indemnity Company
CV2010-0564

Dear Mr. President:

In accordance with the provisions of NMSA 1978, Sections 59A-5-31 & 59A-5-32, enclosed is a Summons and Complaint for Personal Injury, in the State of New Mexico on the above styled cause. Service has been accepted on your behalf as of December 3, 2010.

Respectfully,

John Franchini
Superintendent of Insurance

Enclosures

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STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT

DANIEL F. HERRERA,
Plaintiff,

VS.

KATHERINE CROSSLAND and
GEICO INDEMNITY INSURANCE COMPANY,
Defendants.

2010 NOV 12 PM 2:06

DEPARTMENT OF JUSTICE
CLERK OF THE
DISTRICT COURT

No. EV-10-564

SUMMONS

THE STATE OF NEW MEXICO

To: GEICO INDEMNITY INSURANCE COMPANY

GREETINGS:

YOU HAVE BEEN SUED. You are required to serve upon Plaintiff(s), at his address identified below, an answer or motion in response to the Complaint which is attached to this Summons, within thirty (30) days after service of this Summons upon you, exclusive of the day of service, and file a copy of your answer or motion with the Court as provided in Rule 1-005 NMRA.

If you fail to file a timely answer or motion, default judgment may be entered against you or the relief requested in the Complaint.

PLAINTIFF'S ATTORNEY'S ADDRESS:

ABQ. LAW CLINIC / MORRIS LAW FIRM, c/o William Frazier, Esq., 901 Lomas Blvd. N.W., Albuquerque, NM 87102, (505) 842-1362

WITNESS THE HONORABLE SAM B. SANCHEZ, DISTRICT
JUDGE OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEW MEXICO,
THIS 13th DAY OF November, 2010. BERNABE P. STRUCK

Clerk of the District Court

By: Marilyn J. Ruiz, Deputy

STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT

DANIEL F. HERRERA,
Plaintiff,

VS.

No. _____

KATHERINE CROSSLAND and
GEICO INDEMNITY INSURANCE COMPANY,
Defendants.

SUMMONS

RETURN OF SERVICE

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within Summons in said County on the _____ day of _____, 2010, by delivering a copy thereof, with copy of the Complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)
 to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____ (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.
 to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[] to _____, an agent authorized to receive service of process for defendant _____

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*). [] to _____ (name of person), _____ (title of

person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

My Fees for this service of process

Were in the amount of: \$ _____

Signature of Person Making Service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, 2010, Witness my hand and
Official seal:

Notary

STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT

FILED IN MY OFFICE
8TH JUDICIAL DIST. COURT
TAOS COUNTY, NM OR

DANIEL F. HERRERA,

2010 NOV 12 PM 2:05

Plaintiff,

BERNABE P. STRUCK
CLERK OF THE
DISTRICT COURT

vs.

No. CV-2010-564

KATHERINE CROSSLAND and
GEICO INDEMNITY INSURANCE COMPANY,

Defendants.

COMPLAINT FOR PERSONAL INJURY

COMES NOW Plaintiff Daniel F. Herrera, by and through his counsel of record, ABQ LAW CLINIC, MORRIS LAW FIRM, P.A. (William E. Frazier and Kerry J. Morris), and for his complaint, states as follows:

1. This action involves a motor vehicle collision ("the collision") that occurred on March 18, 2008 in the City of Taos, County of Taos, State of New Mexico between a vehicle operated by Plaintiff Daniel F. Herrera ("Herrera") and a vehicle operated by Defendant Katherine Crossland ("Crossland").
2. Upon information and belief, at all times material to this action, Defendant Geico Indemnity Insurance Company ("Geico") was the automobile liability insurance company for the vehicle driven by Defendant Crossland. Therefore, Defendant Geico is liable for any judgment entered against Defendant Crossland in this case, including all amounts owed to Plaintiff pursuant to the State of New Mexico's financial responsibility laws, NMSA §66-5-201 *et seq.*, and is named as a nominal party herein under applicable New Mexico case law.
3. This court has jurisdiction over the parties and subject matter of this action.

COUNT I

4. The foregoing paragraphs are incorporated herein by reference as though fully set forth.

5. Defendant Crossland had a duty to operate the vehicle she was driving in a safe, lawful, and prudent manner so as to avoid causing harm to others, including Plaintiff.

6. Defendant Crossland breached her duty to Plaintiff, which breach of duty was the direct and proximate cause of the collision and Plaintiff's damages alleged herein.

7. As a direct and proximate result of the breach of Defendant Crossland's breach of her duties, and therefore the negligence of Defendant Crossland, Plaintiff has suffered damages including, but not limited to, bodily injuries, past and future pain and suffering, past and future impairment, and past and future medical expenses.

8. Defendant Crossland is liable to Plaintiff for the damages she suffered as a result of this incident.

COUNT II

9. The foregoing paragraphs are incorporated herein by reference as though fully set forth.

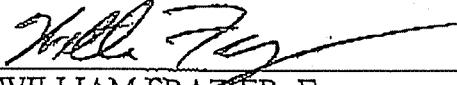
10. At all times material hereto, Defendant Geico insured Defendant Crossland under a motor vehicle liability policy procured by force of legislative enactment and the joinder of defendant insurance company is permissible under the laws of the State of New Mexico.

11. Pursuant to the New Mexico financial responsibility laws, NMSA §66-5-201 *et seq.*, Defendant Geico is liable to Plaintiff for all damages awarded against Defendant Crossland in this case.

WHEREFORE, Plaintiff prays for judgment against Defendants Katherine Crossland and Geico Indemnity Insurance Company in an amount to be determined at trial, to include compensatory damages, costs of this action, pre-judgment and post judgment interest, attorney fees, and for any other relief that the court may deem just and proper.

Respectfully submitted,

ABQ LAW CLINIC
MORRIS LAW FIRM, P.A.


WILLIAM FRAZIER, Esq.
KERRY J. MORRIS, Esq.
Attorneys for Plaintiff
901 Lomas Blvd. N.W.
Albuquerque, NM 87102
(505) 842-1362

STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT

DANIEL F. HERRERA,

Plaintiff,

v.

No. CV-2010-564

KATHERINE CROSSLAND and
GEICO INDEMNITY INSURANCE COMPANY,

Defendant.

NOTICE OF FILING OF REMOVAL

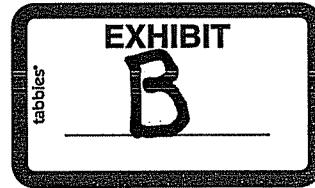
COMES NOW, the Defendant, GEICO Indemnity Insurance Company, by and through its undersigned attorneys, Simone, Roberts & Weiss, P.A., by Stephen M. Simone, and hereby gives notice that Defendant GEICO has filed a Notice of Removal in the United States District Court for the District of New Mexico this 10 day of Dec, 2010.

SIMONE, ROBERTS & WEISS, P.A.

Stephen M. Simone
STEPHEN M. SIMONE
Attorneys for Defendant GEICO
11200 Lomas Blvd., N.E., Suite 210
Albuquerque, New Mexico 87112
(505) 298-9400

The undersigned certifies that a copy of the foregoing pleading was faxed and/or mailed to all parties concerned as follows:

William E. Frazier, Esq.
Kerry J. Morris, Esq.
ABQ Law Clinic/Morris Law Firm PA
901 Lomas Blvd NW
Albuquerque, NM 87102-1953



(505) 842-1363

this 10 day of Dec, 2010.

Stephen M. Simone
STEPHEN M. SIMONE